

REMARKS

Applicant gratefully acknowledges: (a) the Examiner's determination to allow Claims 3, 6, 8, and 9; (b) the Examiner's finding that Claim 11 would be allowable if rewritten in independent form; and (c) the Examiner's acknowledgment of Applicant's claim of foreign priority.

Claims 1-11 are currently pending in the application. Claim 7 has been amended by adding the words "transmitted from said user terminal" at line 2, as set forth above. This amendment is made solely for the purpose of clarification. Support for the amendment may be found in the Specification at page 4, lines 17-18, and at page 6, lines 14-15. Claim 7 has also been amended by adding the phrase "the server transmitting" at line 5, as set forth above. This amendment is made solely for the purpose of clarification. Support for the amendment may be found in the Specification at page 7, lines 5-21. Finally, Claim 11 had been amended by rewriting it in independent form in response to the Examiner's objections. No new matter has been added.

The Claimed Invention

The claimed invention provides a system that makes it possible for a user to readily boot an operating system from a network-connected user terminal 1 with user-specific settings, thereby making it unnecessary for a server 11 to register an image for each OS environment, thereby reducing the required storage capacity of the server 11. The user terminal 1, which is connected to the server 11 by a network, is booted using an operating system stored in the server 11. In booting the user terminal 1, user information that has been selected by the user from OS-booting user information stored on a removable storage medium 7 of the user terminal 1 is transmitted to the server 11 under the control of a BIOS preboot environment 5-2 stored in a storage device of the user terminal 1. On the basis of the user information transmitted to the server 11, the server 11 authenticates the user terminal 1, transmits the operating system to the user terminal 1, stores the operating system and application as files in a secondary storage device of said user terminal 1, and network-boots the operating system in a user-specific environment.

Claim 7 has been rejected as indefinite under 35 U.S.C. § 112, second paragraph. In addition, Claims 1-2, 4-5, 7, and 10 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,463,530 to Sposato in view of U.S. Patent No. 6,711,688 to Hubacher et al.

Applicant traverses all such rejections as discussed below.

Rejection of Claim 7 Under 35 U.S.C. § 112

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to point out and distinctly claim the subject matter of the claimed invention. In explaining the basis of this rejection, the Examiner stated:

Regarding claim 7, the phrase “the user information” lacks proper antecedent basis because it is unclear whether it refers to the information selected by the user or the OS-boot setting user information. The phrase “which is delivered to the operating system” is unclear as to its relationship [sic] the server, the terminal and transmitting a specified operating system to the terminal.

(Office Action at 2)

Applicant traverses on the basis that the phrase “the user information” as used in Claim 7 does have antecedent basis in the Specification, for example at page 4, lines 17-18 (“on the basis of the user information transmitted from the user terminal, the server authenticates the user terminal”) and at page 6, lines 13-15 (“the server having means for authenticating the user of the user terminal based upon the user information that has been transmitted from the user terminal”). Notwithstanding such traversal, Applicant has amended Claim 7 by addition of the words “transmitted from said user terminal” at line 2, as set forth above, which is done solely for the purpose of clarification.

Applicant also traverses on the basis that the phrase “which is delivered to the operating system” clearly discloses the relationship to the server, because Claim 7 depends from Claim 4, which unambiguously claims:

said preboot means having *means for transmitting, to said server*, information corresponding to an operating system selected by a user from OS-boot setting user information stored on a storage medium that is accessed by said user terminal

(Claim 4, lines 5-8) (emphasis added) Notwithstanding such traversal, Applicant has amended Claim 7 by adding the phrase “the server transmitting” at line 5, as set forth above, which is done solely for the purpose of clarification.

For those reasons, Applicant respectfully submits that Claim 7 does point out and distinctly claim the subject matter of the claimed invention and is not, therefore, indefinite under 35 U.S.C. § 112, second paragraph.

Rejection of Claims 1-2, 4-5, 7, and 10 Under 35 U.S.C. § 103(a)

Independent Claims 1, 4, and 10 and dependent Claims 2, 5, and 7 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Sposato in view of Hubacher et al. Applicant traverses on the bases: (a) that Claims 1-2, 4-5, 7, and 10 of the claimed invention are not suggested by Sposato in view of Hubacher et al. and (b) that a combination of Sposato and Hubacher et al. would not be obvious and would not result in the claimed invention.

Sposato teaches a method and apparatus for remotely booting an operating system but not for remotely providing an application. By contrast, Claims 1-2, 4-5, 7, and 10 claim a method, a system, and a user terminal for transmitting a network operating system and an application to a user terminal from a server. This may be seen, for example, in independent Claims 1, 4, and 10 of the claimed invention. (See Claim 1, lines 8-9; Claim 4, line 10; and Claim 10, line 14)

The Examiner, therefore, was incorrect in determining that Sposato teaches “means for transmitting a specified operating system *and application* to the terminal” (Office Action at 3) (emphasis added).

Recognizing that “Sposato fails to explicitly teach the server authenticating the user of the user terminal based on information transmitted from the user terminal as claimed” (Office Action at 3), the Examiner has relied on Hubacher et al. to make up for the deficiency. According to the Examiner, “Hubacher teaches that it is known to include a server that authenticates the user of the user terminal based on information transmitted from the user terminal during a remote boot procedure.” (*Id.*)

Hubacher et al. does not, however, teach remotely supplying an application with the remotely supplied operating system and, for that reason, a combination of Sposato and Hubacher et al. would not result in the claimed invention.

Regarding the Examiner's comments that Claim 7 is anticipated by Sposato in view of Hubacher et al. because Sposato teaches the use of MAC addresses (Office Action at 3-4), Applicant respectfully points out that Claim 7 does not discuss either MAC addresses or the Ethernet and Token Ring adapters with which MAC addresses are typically associated.

For the foregoing reasons, Applicant respectfully submits that Claims 1-2, 4-5, 7, and 10 of the claimed invention are not anticipated by Sposato in view of Hubacher et al. and that a combination of Sposato and Hubacher et al. would not be obvious and would not result in the claimed invention.

#### Conclusion

In view of the foregoing, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,



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